

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/712,602	YORK, JACK MARTIN
	Examiner	Art Unit
	John Kreck	3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-4, 8-10, 14 and 18.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



JOHN KRECK  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jack York.

The application has been amended as follows:

**The title has been changed to:**

--Apparatus and Method for Removing Flooring Tile—

**In the specification:**

Page 4, line 24, after "26"; "tile hook" has been changed to –tension clamp—

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Page 6, line 14, after "spring 22."; "tile hook" has been changed to -tension clamp—

Page 7, line 20, the first word "secures" has been changed to ---supports---

Page 9, the last paragraph, continuing to page 10 has been replaced with:

--After the grout has been properly removed from around tile 54, the apparatus is placed over it and base cleat 15, tile clamp 38R and 38L are fit into the appropriate spaces around tile 54. Before the apparatus is secured to tile 54 an isolation membrane is put between the edge of tile 54 and tile clamps 38R and 38L, and between the edge of tile 54 and base cleat 15. The width between the clamps is adjusted by screwing in or out a tile clamp bolt 48R and a tile clamp bolt 48L. In this embodiment tile clamp bolt 48L serves as a width setting bolt for tile 54. Tile clamp bolt 48L needs to be adjusted only when a different size tile is encountered. Tile clamp bolt 48R tightens or releases tension on tile 54. If needed tile clamp bolts 48L and 48R can be switched if the handle would be better on the other side of the apparatus. Tile clamps 38R and 38L also help support base plate 10 above tile 54 and do not necessarily have to be tight against tiles 54 to be effective. -

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page 10, second paragraph (beginning on line 8) has been replaced with:

-- Hooked to the front of tile 54 is a tile hook 26 which is attached to a spring 22 which is attached to a spring lug 18R, 18C or 18L to provide tension between the apparatus and tile 54. The clamping action between the tension clamp 26 and base cleat 15 should be such that the apparatus is immobilized on tile 54. --

page 10, third paragraph (beginning on line13) has been replaced with:

--After centering the apparatus by adjusting tile clamp bolt 48L then tile clamp bolt 48R is turned clockwise until snug. The apparatus should be firmly attached to tile 54 but not so tight that it would crack under the width adjustment tension. After the apparatus has been set in place and the tile clamps 38R and 38L and base cleat 15 are correctly set in the grout spaces the apparatus should be somewhat centered over the tile 54. Once the tension is set between the tension clamp 26 and base cleat 15 the apparatus should be secure enough that it does not move and feels solid on tile 54. The apparatus is then ready to start removal of tile 54.--

In the claims:

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1. An apparatus and A method for removing a portion of a grouted tile floor where said portion has separated from the foundation comprising the steps of:
  - a. a means for removing grout and cementitious material around all sides of said tile without damaging said tile;
  - b. securing an apparatus to said tile, the apparatus comprising a rigid material forming a base plate of a predetermined size;
  - c. a plurality of clamps that secure said base plate to said tile that fit into evacuated grout spaces around said tile;
  - d. a cleat attached to said base plate that fits into another evacuated grout space perpendicular to said clamps, and;
  - e. an impact area on said cleat and base plate for a hammering force to be applied on said impact area used to drive said base plate and consequently said tile forward in the same direction of the impact force;
2. The method of claim 1, of wherein removing said grout around said tile is done using a circular abrasive blade saw to cut out said grout or a drill to bore multiple holes in a series in said grout.
3. The method apparatus of claim 1 wherein said plurality of clamps are two opposing clamps that sandwich said tile.

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4. The method apparatus of claim 3 & wherein said clamps which sandwich said tile use a nut and bolt system to control the pressure exerted on said tile by said clamps.

5. Claim canceled.

6. Claim canceled.

7. Claim canceled.

8. The method apparatus of claim 1 wherein said base plate is secured to said tile on the side opposite said impact area through a tensioning means such as a spring.

9. An apparatus and method for removing a grouted floor tile ~~where said tile has separated from the foundation comprising:~~

a. a means for removing grout and cementing material around all sides of said tile without damaging said tile;

b. a rigid material forming a base plate of a predetermined size; ~~that is adjustable in length~~

c. a plurality of clamps that secure the base plate to said tile that are dimensioned to fit into evacuated grout spaces around said tile;

d. a cleat attached to said base plate that fits is dimensioned to fit into another evacuated grout space perpendicular to said clamps to grip the edge of the tile; and,

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e. an impact area on said base plate for a hammering force to be applied on said impact area used to drive said base plate and consequently said tile forward in the same direction of the impact force.

10. The ~~method apparatus~~ of claim 9; wherein the means for removing said grout around said tile is ~~done~~ using a circular abrasive blade saw ~~to cut out~~ ~~said grout~~ or a drill ~~to bore~~ multiple holes in a series in ~~said grout~~.

11. Claim canceled.

12. Claim canceled.

13. Claim canceled.

14. The apparatus of claim 9 wherein said clamps sandwich said tile ~~use~~ using a nut and bolt system to control the pressure exerted on said tile by said clamps.

15. Claim canceled.

16. Claim canceled.

17. Claim canceled.

18. The apparatus of claim 9 wherein said base plate is secured to said tile on the side opposite of said impact area through a tensioning means ~~such as a spring~~.

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2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: in figure 1, a box has been added as shown on the following page. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is (703)308-2725. The examiner can normally be reached on M-F 5:30 am - 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703)308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Kreck  
Examiner  
Art Unit 3673

JJK

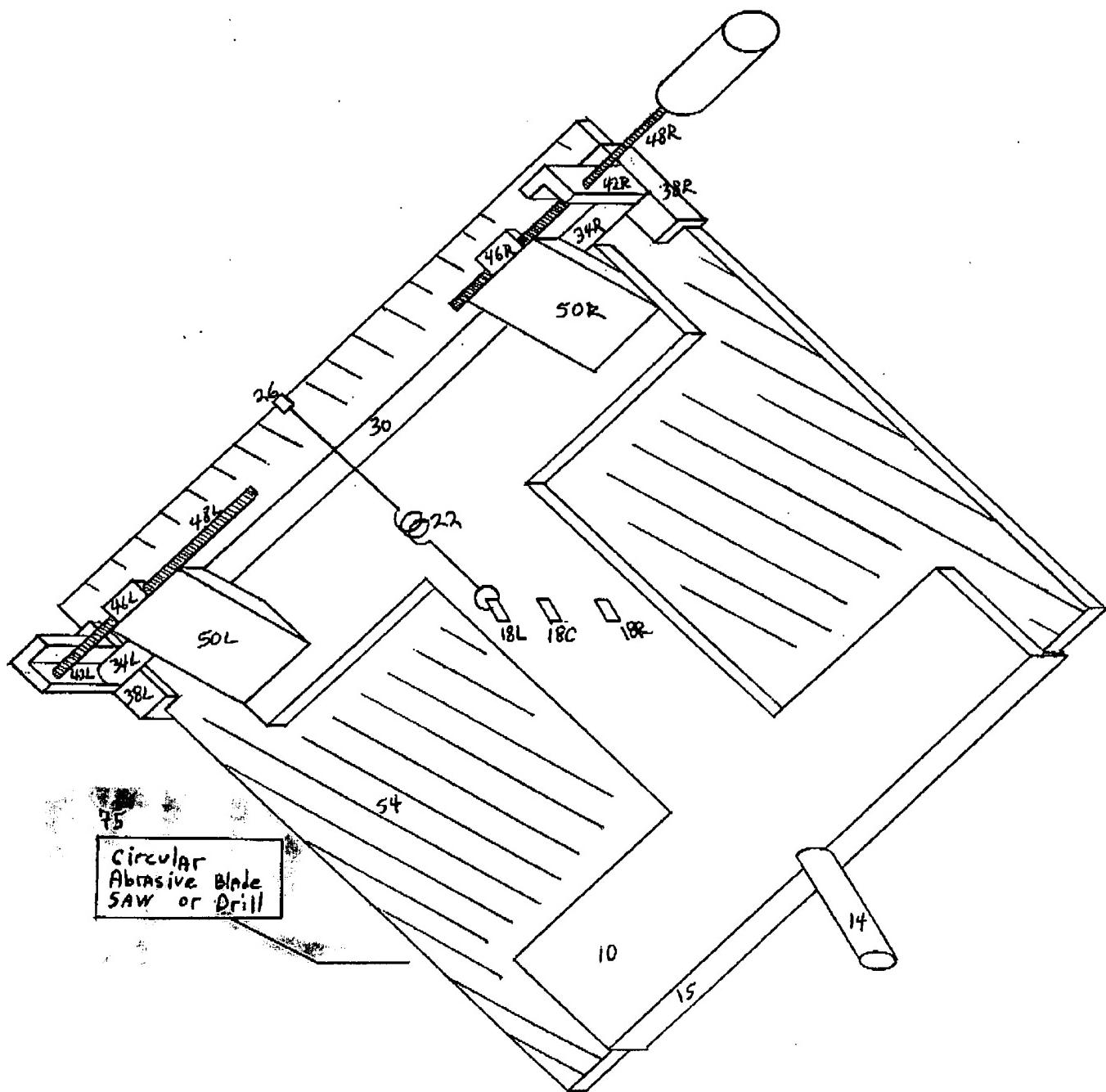


FIG. 1